

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA**

UNITED STATES OF AMERICA)
) Case No. 1:17-cr-139
v.)
) Judge Travis R. McDonough
ROY LEE UNDERWOOD)
) Magistrate Judge Christopher H. Steger
)

ORDER

United States Magistrate Judge Christopher H. Steger filed a report and recommendation (Doc. 36) recommending that the Court: (1) grant Defendant's motion to withdraw his not guilty plea as to Count One of the one-count Indictment; (2) accept Defendant's guilty plea as to Count One of the one-count indictment; (3) adjudicate Defendant guilty of knowing possession of material which contained an image of child pornography that had been mailed, shipped and transported in interstate and foreign commerce by any means, including by computer in violation of Title 18, United States Code, Section 2252A(a)(5)(B) and 2252A(b)(2); and (4) order that Defendant remain out of custody subject to the Order Setting Conditions of Release (Doc. 8) until sentencing or further order of the Court. Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with Magistrate Judge Steger's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation (Doc. 36) pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

1. Defendant's motion to withdraw his not guilty plea as to Count One of the one-count Indictment is **GRANTED**;

2. Defendant's plea of guilty to Count One of the one-count Indictment is **ACCEPTED**;
3. Defendant is hereby **ADJUDGED** guilty of knowing possession of material which contained an image of child pornography that had been mailed, shipped and transported in interstate and foreign commerce by any means, including by computer in violation of Title 18, United States Code, Section 2252A(a)(5)(B) and 2252A(b)(2); and
4. Defendant **SHALL REMAIN** out of custody subject to the Order Setting Conditions of Release (Doc. 8) until further order of the Court or sentencing which is scheduled to take place on **May 18, 2018, at 9:00 a.m.** before the undersigned.

SO ORDERED.

/s/ *Travis R. McDonough*

**TRAVIS R. MCDONOUGH
UNITED STATES DISTRICT JUDGE**